



2157

Rinaldo Del Gallo, III  
79 Nancy Avenue  
Pittsfield, MA 01201  
(413) 443-3150

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

October 18, 2005

FOR EXAMINER Mr. Salad E. Abdullahi

Please find enclosed the same office action sent in April 29, 2005 and October 18, 2005. Pursuant to your suggestion:

1. I have double spaced everything.
2. I have separated the claims section from the remarks section.

Otherwise, the response is exactly as was submitted, with the dates kept as in the original.

This time, I have sent a signed copy, pursuant to the suggestion of your previous letter.

Respectfully,

Rinaldo Del Gallo, III



**REPLY TO DETAILED OFFICE ACTION**

**INVENTOR:** Hillel Felman

**FILING DATE:** 04/06/2001

**APPLICATION NO.** 09/827,594

**EXAMINER:** Salad Elli Abdullahi

**PHONE NUMBER OF EXAMINER:** 571-272-4009

**ART UNIT:** 2157

**TITLE OF INVENTION:** Method and Apparatus for Providing a Personal Information Directory on the Internet So As to Reveal Personal Information on a Selective Basis

**TITLE OF INVENTION APPEARING ON PTO WEBSITE:** Method and apparatus for selectively releasing personal contact information stored in an electronic or telephonic database

April 28, 2005

Dear Sir:

With regards to your detailed office action.

1. Paragraph 1 requires no action.
2. Claim 3 was accidentally dependent on itself. This was in error, and it was meant to depend off of claim 2. The claim has been amended to reflect this.
3. Paragraph 3 is recitation of 35 U.S.C. §102 (e), stating that it forms the basis of the rejection.
4. The examiner cites Salzfass et al., for rejection of claims 1-3, 8-10, and 12-178. [Claims 7 and 11 are rejected with an obviousness rejection under 35 U.S.C. §103 in Paragraphs 5 and 6.] A detailed response follows:

It is worth noting generally the differences between the instant application and Salzfass. Salzfass is directed at delivering "an improved system and method . . . for routing an otherwise undeliverable e-mail message to an intended recipient." Salzfass paragraph [0002]. The instant application is directed to responding to a querying signal requesting information about the listed party. In sort of brute terms, the querying signal in the instant application is a signal saying, "I would like to know your e-mail address, telephone number, or other personal contact information, would you please provide it?" That is, it is a request for personal contact information of the listing party by a party querying for that information—an event nowhere present in the Salzfass application.

The querying signal (i.e. the request for personal contact information) in the instant invention also incorporates identifying information about the requesting party. I.e., one has to disclose who he or she is when requesting the personal contact information through a querying signal. Thus the querying signal is sort of, and this is just one embodiment of the invention, "Hi, this John Decker of Anne Drive, Pittsfield, MA. I am looking for the present phone

number, physical address, and e-mail of Jane Dougherty, could I please have it?"

Salzfass simply does not do this. An e-mail is sent, which could be just about any e-mail not providing identifying personal information, such as an e-mail from footballfan35@hotmail.com. The usual purpose of an e-mail is to impart information or otherwise normally communicate and converse, not make a specific query for personal information.

The problem in Salzfass was when there are problems with the e-mail of the recipient no longer being valid. For instance, there could be domain name errors (the domain name of the e-mail address, the part after the "@"), whereby the domain name is not valid and does not represent an existing server. This would occur, for instance, if Microsoft stopped "hotmail" and "@hotmail" was no longer a valid domain name. This could easily occur when the domain name is the name of a no longer existing company or law firm. Or there could be a name error where the domain part is correct (the text after the "@")—such as hotmail still existing—but the name before the "@" is incorrect. In the instant invention, the querying party does not make an

initial mistake of sending a no longer valid e-mail—in the preferred embodiment; he or she knows exactly where he intends to send a message.

Salzfass is roughly sort of the electronic way of forwarding e-mails from a no longer valid e-mail address to a good one, just as one would forward regular post office mail by providing a good address, but electronically. In Salzfass, one does not know the e-mail address is bad before one sends the e-mail, and there is certainly is no active querying for contact information as in the present invention. Basically, the Salzfass device has a global e-mail database and an e-mail forwarding server. Presumably, if "footballfan35@hotmail.com" no longer exists, the Salzfass invention purports, to do the forwarding either automatically, or with an option of the intended e-mail recipient formally of "footballfan35@hotmail.com" selecting which e-mails will be forwarded to his or her new e-mail account at "footballfan35@aol.com." This is done completely invisible to the person who initially sent the e-mail to "footballfan35@hotmail.com," and the original sender, perhaps using the e-mail address "trucker580@verizon.net," certainly does not disclose his or her identifying information. The very object of the

present invention is to provide access to a database of personal contact information by a querying party seeking such information (not done in Salzfrass, there is just forwarding), with the listing party being a gatekeeper of whether the querying party will get or not get this information. Put another way, in Salzfrass there is no equivalent of a Personal Contact Information Signal sent to the querying party-i.e., the actual human being that made the initial inquiry of contact information-as in the instant Felman invention disclosed in his application.

Salzfass also purports to have a "filtering option, which is discussed in the last sentence of paragraph [0062], stating, "Thus, the DB+FS 170 can act as a filter through which the intended recipient can automatically and proactively have the original of all e-mails received at the DB+FS 170 be reviewed prior to the deciding if such e-mails should be forwarded to his e-mail address." To be sure, there is some filter being done in Salzfass as in the instant Felman application. But the nature of the filtering, how it is done, is completely different. In Salzfass, this filtering is all done invisibly to the original sender of the e-mail. This is sort of the electronic equivalent of forwarding some mail received at

an old address, but not others deemed junk mail. The person that sent the original e-mail in the Salzfass application is not informed of the new contact information of the listing party as in the instant application-his or her e-mail is simply forwarded, with a bell and whistle that purports to filter which e-mails will or will not get forwarded. Filtering which e-mails will be forwarded to the new correct e-mail in Salzfass is not the same as filtering who will be provided personal contact information of the listing party in a database based upon identifying information of the querying party. The original sender in Salzfass is not told of the new, correct address as in the instant invention, even when the recipient has determined the e-mail should be forwarded to his new account. Nor can the original sender be thought of as a "querying party" because he or she is not making an initial request for the personal contact information of the listing party.

The instant Felman application is more of an online directory whereby the listed party controls who will have access to the information-there is an active request for contact information of the listing party embodied in the query signal in the instant application not present in Salzfass.

Particularly, the instant Felman application, Claim 1, calls for "said bride web site server receiving a querying signal generated by a querying party; said querying signal comprising one or more signals sent in any sequence or simultaneously from the querying party that embodies a request for the personal contact information of the listing party and also embodies a communication of identifying information about the querying party . . ."

To this element, the office action states that the "querying signal generated by a querying party" is somehow the "the DB [database] + FS [forwarding server] receiving undeliverable/forwarded e-mail." A reference is made to paragraph 0058 of the Salzfass application. Whatever a computer having a database and forwarding server that receives undeliverable/forwarded e-mails, it is not a "query signal" as defined in the instant Felman application. First, the undeliverable/forwarded e-mail is generated by servers on the Internet that purport to have diagnosed that an e-mail address of an e-mail is no longer good. A querying signal, by the very definition provided in the application, has to be generated by the querying party, not a server, and has to embody an electric request

for information by an actual person. In other words, in the instant application, some live person attempts access to a database to query about the contact information of a listing party. This is not in anyway an undelivered and forwarded e-mail as in Salzfass, which is just the electronic equivalent of a the US Post Office's "return to sender: address unknown" done automatically by a computer. The fact that the original address was incorrect does not transmogrify the original postal mail to a request for information as to the correct new address. The US postal equivalent of the present invention, rather, would be a letter from a querying party asking for some personal contact information (perhaps a telephone number, or address) sent to a warehouse having a directory of contact information that may or may not send a return mail providing such requested contact information, pursuant to the wishes of the party listing his or her personal contact information. Salzfass is a type of equivalent to US Post Office forwarding a letter to the new, correct address. In one embodiment of Salzfass's application, there is the purported disclosure of filtering, which would be the equivalent of the US Post Office forwarding some, but not all, letters received to the old address, depending upon the whatever would be the equivalent of an e-mail address

of the sender (this is a type of service, by way of reference, that does not actually exist at the Post Office.) The automatic forwarding of the letter by the Post Office does not make the original letter a "querying letter" or the mechanical equivalent of a "querying signal," nor does the act of looking up the new address. Forwarding an e-mail, or even selectively forwarding an e-mail, as in Salzfass, does not constitute a query signal by the original sender of the e-mail as in the instant application. Nor is there any equivalent of a personal contact information signal providing the personal contact information to the original querying party in Salzfass—the e-mail is just forwarded.

There is also one other thing missing in the purported "querying signal" in Salzfass. Like a letter without a return address, an e-mail does not contain identifying information about the contacting party. An e-mail from "footballfan35@hotmail.com" at most contains information about the server that sent the e-mail, not that it was sent from John Decker of Anne Drive in Pittsfield, Massachusetts. Nothing disclosed in paragraphs 0055 or 0058 of Salzfass discloses identifying information about the querying party sent to the listing party (a regular e-

mail is not identifying information) as embodied in the query information signal in the instant application. Nothing disclosed in paragraphs neither 0055 or 0058 of Salzfass discloses identifying information about the listing party sent to a querying party (there really is not even a querying party in Salzfass) imparting the personal contact information of the listing party, as in the personal contact information signal 50 shown in Figure 1A of the instant application.

Forwarding e-mail, even selectively forwarding e-mail in Salzfass, is not the equivalent of asking for personal contact information of a listing party by a querying party (coupled with identifying information of the querying party), and selectively providing such personal contact information to the querying party by the listing party as in the instant application. Salzfass just purport to forward e-mail, at times selectively so. Salzfass does not claim to provide information to a querying party seeking personal contact information of a listing party, a the control of the listing party.

In short, Salzfass does not have a "querying signal generated by a querying party" because (1) there is no

human generated request for information, (2) nor does the returned e-mail constitute a request for contact information (inanimate objects such as servers on the Internet are not properly thought to have "requested" information), and (3) nor does the returned e-mail or the original e-mail have "identifying information about the querying party," i.e. information that identifies who the querying party is.

There is no mention at all in Salzfass about a "query notification signal that notifies the listing party that has been a query for the personal contact information." There was never an original request for contact information, there was only an e-mail message such as "Hey Joe, how you doing?" or "Drink Milk," originating from some non-descript e-mail address that hardly would provide identifying information about the person who sent the e-mail. There is no "notification signal . . . that also embodies a communication of identifying information about the listing party" in Salzfass, as the instant case. The person sending the original e-mail in Salzfass need not identify himself or herself, so it would not appear in a notification signal. The very problems of e-mails and SPAM

is that there is no way to know who really sent an e-mail based upon the e-mail address.

As to claims 12 and 16, the alleged "querying signal" in Salzfass is certainly not generated by the querying party by any means, certainly not using his or her computer. The so-called "querying party" in Salzfass made no query at all—just an e-mail was sent. In Salzfass the original sender can not even really be thought of as a querying party—he or she is just sending an e-mail to an e-mail address.

As to claim 17, there is no mention of storing the name of the querying party in Salzfass, in either paragraphs 0060 or 0061.

As to claim 19, nor is there in Salzfass "a response to a questionnaire by the querying party" present as in the instant application.

Because Claims 1, 2, and 3 have elements not disclosed in either Salzfass or the references cited in Paragraphs 5 and 6 of the Office Action under 35 U.S.C. §13(a) Peltonean et al, U.S. Patent 6,393,274, all the claims upon which they depend, are not anticipated or are obvious. As discussed,

none of the references disclose a querying signal generated by a querying party with embodies both a request for personal contact information and identifying information about the querying party. There is no notification signal sent to the listing party in these cited references embodying the contact information of the original sender as in the instant application. At best, in these references, there is some type of filtering process using the e-mail address of the original sender, not identifying information of the original sender so that the listing party knows who the original sender is.

In none of the references cited by the examiner is there a real consent/no signal that embodying an instruction as to whether to forward personal contact information to the original sender, as there is in the instant application. Whatever is the equivalent of the "consent/no consent signal" is just in Salzfass paragraphs [0060] and [0061] is just an indication "to the sender of the first computer 12 through the incoming e-mail (sender) server 16 indicating that the e-mail was not delivered for specified reasons . . ."

Obviously, the querying party does not form a part of the claim, but rather, indicates what must be the source of the querying signal.